

HOUSE RESEARCH

Bill Summary

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Authors: Newton

Subject: Military Affairs; Updating and Clarifying the Minnesota Uniform Code of Military Justice (MCMJ) for the National Guard in State Active Service

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Overview

This bill updates and clarifies Minnesota's Uniform Code of Military Justice, the legal system under which Minnesota National Guard members live while serving in State active military service.

Section

- 1 **Jurisdiction.** Clarification of when Military legal jurisdiction applies.
- 2 **Governs AWOL offenses.** Clarified.
- 3 **Commanding Officer's Non-Judicial Punishment.** New language describing the process of non-judicial, administrative punishment by a commanding officer for relatively minor offenses.
- 4 **Jurisdiction of Courts Martial.** Clarified.
- 5 **Jurisdiction of General Courts Martial.** Clarified.
- 6 **Jurisdiction of Special Courts Martial.** Clarified.
- 7 **Jurisdiction of Summary Courts Martial.** Clarified.
- 8 **Maximum Limits of Punishments.** New language establishing maximum limits.
- 9 **Who may Convene a General Courts Martial.** Authority to convene clarified.
- 10 **Authority for Prescribing Rules.** Clarified.

Section

- 11** **Three-Year Statute of Limitations.** Clarified.
- 12** **“Error of Law” and “Lesser Included Offense.”** Terms defined; application delimited.
- 13** **Action by Convening Authority.** This section of the bill creates a new section of law delineating the actions required of the convening authority, as follows.
- Subd. 1.** Reporting the findings and sentence.
- Subd. 2.** Submissions of the accused.
- Subd. 3.** Action on the findings.
- Subd. 4.** Recommendation of the Judge Advocate.
- Subd. 5.** Proceedings in revision, rehearing, and reconsideration.
- 14** **Accused may Waive the Right to Appeal.** So specified.
- 15** **Appeal by the State.** Delineates rights of the State in an appeal.
- 16** **Rehearings.** Delineates language governing rehearings.
- 17** **Review by Senior Force Judge Advocate.** Required.
- 18** **Review by a State Appellate Authority.** Provides the right to appeal a courts martial to the Minnesota State Court of Appeals.
- 19** **Appellate Counsel.** Provides that in an appeal, both the State and the Defendant have the right to representation by counsel.
- 20** **Finality of Proceedings, Findings and Sentences.** Provides that the appellate review of records of trial, the proceedings, findings, and sentences of courts-martial as approved, reviewed, or affirmed as required by this code, and all dismissals and discharges *are final*, subject only to action upon a petition for a new trial.
- 21** **Illegal Presence of Controlled Substance while in Duty Status.** Defines “controlled substance.”
- 22** **General Article.** Technical.
- 23** **Sections of Minnesota Statutes to be Explained.** Makes a minor alteration in the listing of statutes that must be explained to new soldiers.
- 24** **Delegation of Authority by Governor.** Removes a limitation in the provision stipulating that the Governor’s authority for the Minnesota National Guard may be delegated.
- 25** **Repealer.** Repeals certain archaic language in current law that is rewritten under the bill.